



# CONTRACT LAW DIVISION

Office of the Assistant General Counsel for Finance & Litigation



## Biweekly Report - Period Ending February 15, 1997

### **Unisys Corp. v. DOC— GSBGA Nos. 12823-COM; 13460-COM and 13477-COM**

On Friday, February 7, the parties reached a settlement of the appeals for spare parts under three contract modifications. Unisys is making the first effort at drafting an agreement. Government counsel are preparing the settlement memorandum. Congratulations to Terry H. Lee, Steven Carrara who had the case along with Roxie Jones.

### **CHI Fabrication Services v. DOC—GAO No. B-275079**

GAO denied this protest in which CHI claimed that PTO improperly evaluated its proposal for mail/file carts. GAO agreed with the Government's argument that PTO reasonably determined that CHI's proposal failed to demonstrate compliance with specification requirements—particularly, the cart's low clearance requirement. Cecilia R. Jones had the case.

### **Gem Engineering v. DOC—GSBGA No. 13566-COM**

Before traveling to Houston for depositions, we made a settlement offer to GEM. GEM did not accept our offer and proposed a counteroffer, which we also rejected. At the GEM offices, we took two depositions of the Site Su-

perintendent and the company's president. The Board has scheduled a conference call for March 5 to discuss the status of the case. Catherine Shea and Mark Langstein have the case.

### **North Florida Shipyard, Inc. v. DOC— GSBGA No. 14030-COM**

The Appellant has filed its complaint alleging Government provided materials and specifications were defective causing the contractor increased delay, increased work, and increased costs. We will file our answer on February 18. Catherine Shea and Ken Lechter.

### **NOAA Supercomputer Procurement**

Fred Kopatich attended the initial meeting of program and procurement personnel to initiate the acquisition of a new supercomputer to be used by NOAA for weather modeling. Because of advances in the state of the art, the new system will have several times the capacity of the supercomputer NOAA purchased two years ago. A request for information was published in the Commerce Business Daily this week to survey the market and determine the interest of the vendor community in the procurement.

### **APEC Tariff Database**

Thus far we have been unable to resolve the issue of indemnification with Federal Express, the prospective contractor. FedEx wants APEC to indemnify it for any liability it may incur during performance. In that the USG is responsible for a percentage of APEC's budget, such an indemnification provision would violate the Anti-deficiency Act. Mark Langstein and Ken Lechter.

### **CONOPS**

The FM/EUS (Facilities Management/CIO End User Services) project team met for a final team meeting after the protest window closed. The team was congratulated by both the Associate Commissioner and the CIO and is making plans for contract administration. Lisa J. Obayashi is advising.

### **PTO - SDM**

The SDM contracts have been awarded to Lockheed Martin & CSC. Lisa J. Obayashi reviewed the contract awards and the written debriefing materials which consist mainly of the redacted SEB report and SSO statement.

